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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,663	08/29/2003	Fei Xie	17405US03	9326
23446	7590	04/21/2006	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			PAN, YUWEN	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/651,663	XIE, FEI	
	Examiner	Art Unit	
	Yuwen Pan	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daberko et al (US005839108A) in view of Haimi-Cohen (US006233320B1) and further view of Takahashi (US006044341A).

Per claim 1, Daberko discloses a computer –readable medium containing a data structure for storing voice signals comprise a voice list containing an entry for each of one or more voice signal, each entry comprising a single string of data records wherein each data record has a file pointer to the next record, the last record having an end of file marker (see column 6 and lines 15-30), each record corresponding to at least one time stamp of the voice signals for use in restoring the data structure to a media understandable by a user (see column 7 and lines 60-64). Daberko doesn't teach that the storage medium is for a phone conversation. Haimi-Cohen discloses a mobile set having a record/play back phone conversation function. It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the

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teaching of Haimi-Cohen such that a mixture size of memory storage medium would be used for a size-limited mobile terminal.

Combination of Daberko and Haimi-Cohen doesn't teaches that the voice signals are analyzed for record-worthiness and recorded into the string of data records responsive to a determination that the voice signals are record-worthy. Takahashi teaches noise suppression for recording (see column 3 and lines 23-55). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Takahashi with the combination of Baberko and Haimi-Cohen such that it would improve the auditory sound quality.

Per claim 2 and 3, Daberko further teaches the data structure further comprises non-voice signals such as music data in which is computer readable files (see abstract).

Per claim 4, Daberko further teaches that the data structure is stored in a flesh memory medium (see abstract).

Per claim 5, Takahashi further teaches that the analysis of the voice signals for record-worthiness includes analysis of level of data content in the voice signals (see column 3 and lines 41-55).

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Per claim 6, Takahashi further teaches that the analysis of level of data content includes analysis of the voice signals on a frame-by-frame basis, wherein each frame is associated with a time stamp (see figure 7).

Per claim 7, Takahashi further teaches that each portion of a voice signal having a detected level of data content low below a threshold level is not selected for recording into the string of data records (see column 7 and lines 40- column 8 and lines 11).

Per claim 8, Haimi-Cohen further teaches that the stored voice signals include uplink and downlink voice signals, the uplink voice signals being transmitted from a mobile set to a second device during the phone conversation, and the downlink voice signals being transmitted from the second device to the mobile set during the phone conversation (see figure 5, column 6 and lines 28-34).

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


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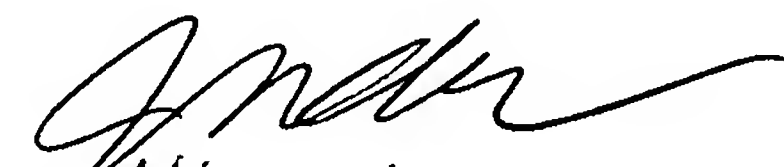
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
April 18, 2006


Matthew Anderson
SPE 2618